



AMERICAN BAR ASSOCIATION

STANDING COMMITTEE

Law and National Security INTELLIGENCE REPORT

Volume 3, Number 9

Morris I. Leibman, Chairman

September 1981

Testimony on FOIA Presented By AFIO and ACLU Representatives

In our August issue we reproduced extensive excerpts from the testimony of five of the key witnesses before the Senate Intelligence Committee and the Senate Judiciary Subcommittee on the Constitution, directed to proposed amendments to the Freedom of Information Act. These included the testimony of the Justice Department, the Department of Defense and the CIA. This is one of the most important issues currently before Congress bearing on the law and national security. In the pages that follow we present excerpts from the testimony before the Senate Intelligence Committee by the Association of Former Intelligence Officers and the American Civil Liberties Union.

Excerpts from the statement of John M. Maury, President, Association of Former Intelligence Officers, before the Senate Select Committee on Intelligence, July 21.

The issue addressed by S.1273—the application of the Freedom of Information Act (FOIA) to our intelligence operations—is a serious one. I would like to speak of it on the basis of 40 years of military and civilian service in the area of national security. These include 28 years in CIA, chiefly in Soviet operations, followed by a stint as assistant secretary of Defense. But today I am here as president of the Association of Former Intelligence Officers (AFIO)—some 3,000 veterans of the military intelligence services, the CIA, the FBI, the NSA, the State Department and other intelligence entities. With me is AFIO's legal advisor and former general counsel of CIA, John S. Warner. . . .

Justification for S.1273 was clearly documented by Senator Chafee in his remarks made on May 21, 1981, when he introduced this bill. I want to say at the outset that we support this effort to relieve the Central Intelligence Agency and other elements of the intelligence community of the serious concerns in complying with the Freedom of Information Act. But more importantly

there is a need to repair the substantial damage already wreaked on our intelligence efforts by FOIA. There has already been direct testimony by CIA, NSA and the FBI that sources of information, agents, and foreign intelligence services have refused to cooperate because of their fears and lack of confidence that our intelligence agencies can keep such relationships truly confidential because of the Freedom of Information Act.

We think it most appropriate that this proposed legislation, designed to improve our intelligence activities, should be in the form of an amendment to that provision in the Central Intelligence Act of 1949 which implements further the proviso of section 102(d)(3) of the National Security Act of 1947. That proviso imposes on the Director of Central Intelligence responsibility for protecting intelligence sources and methods from unauthorized disclosure. Indeed, this proposed legislation

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Treasury Department Assesses Handling of Reagan Shooting

The Treasury Department on August 19 released the text of a 101 page "Management Review" of the handling of the attempted assassination of President Reagan. In general the report found that all of the Treasury agencies performed well under the circumstances, but that the circumstances themselves were highly favorable. In order to cope with similar situations that may occur under less favorable circumstances, the report recommended a number of procedural improvements and changes in the Freedom of Information Act and the FBI guidelines designed to enhance the FBI's domestic intelligence capabilities, on which the Secret Service relies heavily. Because we know that this will be of interest to our readers, we reproduce below the essential portions of the Executive Summary of the Treasury report.

Shortly after the attempted assassination of the president on March 30, 1981, Secretary of the Treasury Donald T. Regan directed the general counsel of the Treasury to prepare a report on the performance of Treas-

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